

House Bill 913

By: Representatives Lunsford of the 110th, Levitas of the 82nd, Jacobs of the 80th, Wilkinson of the 52nd, Collins of the 27th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 42-5-120 and Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to rules and regulations of voluntary labor programs and general authority, duties, and procedure for state purchasing, respectively, so as to provide for free market competition with regard to state purchasing; to change provisions relating to the rules and regulations of the Board of Corrections for voluntary labor programs; to change certain provisions relating to the Department of Administrative Services purchasing supplies, materials, equipment, and services for and on behalf of state government; to repeal provisions relating to goods and services to be obtained from the Georgia Correctional Industries Administration; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 42-5-120 of the Official Code of Georgia Annotated, relating to the rules and regulations of the Board of Corrections, is amended by revising subsection (a) as follows:

"(a) The board is authorized to issue and promulgate rules and regulations for programs of voluntary labor by inmates for privately owned profit-making employers to produce goods, services, or goods and services for sale to public and private purchasers. Such rules and regulations shall be designed to meet the published requirements of the Prison Industry Enhancement Certification Program authorized by 18 U.S.C. Section 1761 and federal regulations and to provide other appropriate conditions and limitations. Such rules and regulations may provide for administration and management of such work programs by the department and the Georgia Correctional Industries Administration; provided, however, that the board shall not establish or enforce any rule or regulation, or provision of any rule or regulation, that gives any preferential treatment to any goods, wares, or merchandise produced wholly or in part by the Georgia Correctional Industries, the state, or any state agency, department, board, bureau, commission, or other entity of the state. Any rule or

1 regulation, or provision of any rule or regulation, which is contrary to the policy expressed
2 in this subsection and which exists on July 1, 2008, shall be deemed unenforceable, and the
3 board shall undertake steps to repeal such rules or regulations, or applicable provisions of
4 such rules or regulations."

5 SECTION 2.

6 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
7 relating to general authority, duties, and procedure for state purchasing, is amend by revising
8 paragraph (2) of Code Section 50-5-51, relating to the power, authority, and duty of the
9 Department of Administrative Services, as follows:

10 "(2) To establish and enforce standard specifications which shall apply to all supplies,
11 materials, equipment, and services other than professional and personal employment
12 services purchased or to be purchased for the use of the state government for any of its
13 offices, agencies, departments, boards, bureaus, commissions, institutions, or other
14 entities of the state; provided, however, that the department shall not establish or enforce
15 any rule or regulation, or provision of any rule or regulation, that gives any preferential
16 treatment to any goods, wares, or merchandise produced wholly or in part by the Georgia
17 Correctional Industries Administration, the state, or any state agency, department, board,
18 bureau, commission, or other entity of the state. Any rule or regulation, or provision of
19 any rule or regulation, which is contrary to the policy expressed in this paragraph and
20 which exists on July 1, 2008, shall be deemed unenforceable, and the department shall
21 undertake steps to repeal such rules or regulations, or applicable provisions of such rules
22 or regulations."

23 SECTION 3.

24 Said part is further amended by revising Code Section 50-5-73, relating to goods and services
25 to be obtained from correctional industries when certified as available, as follows:

26 "50-5-73.

27 ~~(a) All services provided or goods, wares, or merchandise produced wholly or in part by~~
28 ~~the Georgia Correctional Industries Administration and needed by the departments,~~
29 ~~institutions, and agencies of the state and its political subdivisions supported wholly or in~~
30 ~~part by public funds shall be obtained from the Georgia Correctional Industries~~
31 ~~Administration where such services, goods, wares, or merchandise have been certified in~~
32 ~~writing by the commissioner of corrections as available and of competitive quality and~~
33 ~~price. Where not certified as available from the Georgia Correctional Industries~~
34 ~~Administration, services, goods, wares, or merchandise shall be obtained from other~~
35 ~~agencies or activities of the state which are legally authorized to engage in the provision~~

1 ~~of such and have certified the availability with the advice and consent of the Department~~
2 ~~of Administrative Services.~~

3 ~~(b) The Georgia Correctional Industries Administration and the commissioner of~~
4 ~~corrections shall report to the Department of Administrative Services the certification~~
5 ~~criteria, including but not limited to cost, delivery schedules, and availability within 15~~
6 ~~days of notice of certification.~~

7 ~~(c) The Georgia Correctional Industries Administration shall notify the Department of~~
8 ~~Administrative Services of any changes to certified products or services available pursuant~~
9 ~~to this Code section within 15 days of any such changes. Reserved.~~

10 **SECTION 4.**

11 This Act shall become effective on July 1, 2008.

12 **SECTION 5.**

13 All laws and parts of laws in conflict with this Act are repealed.